



Peter M. Rooney
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

North Coast Region

Ross R. Liscum, Chairman

006574



Pete Wilson
Governor

Internet Address: <http://www.swrcb.ca.gov>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone (707) 576-2220 • FAX (707) 523-0135

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US Fish & Wildlife Service
CCFWO, Arcata, CA

Bruce Halstead
US Fish & Wildlife Service
1125 16th Street, Room 209
Arcata, CA 95521

Dear Mr. Halstead:

Subject: Comments on the Draft Environmental Impact Report for the Headwaters Forest Acquisition and the PALCO Sustained Yield Plan and Habitat Conservation Plan

This letter provides our comments on the Draft Environmental Impact Report (DEIR) for the Headwaters Forest Acquisition and the PALCO Sustained Yield Plan (SYP) and Habitat Conservation Plan (HCP). We do not concur with the choice of Alternative 2 since this selection is more likely to jeopardize the recovery of endangered aquatic species. Alternative 3, though more restrictive, would be a preferred choice for protection of water quality.

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The following specific comments address key areas of concern, including roads, cumulative impacts, aquatic species conservation plan, and streamside buffers:

Roads

Non-emergency road construction should not be allowed during the winter period. Even if road construction halts during precipitation, the disrupted and erodible ground would still be exposed to rain. The long-term focus of this document should allow proper planning of road construction to ensure timing of construction during less-sensitive, drier times of the year. An additional concern is with enforcement of this language, particularly given the pattern of PALCO violations of the less restrictive Forest Practice Rules. There also appears to be a conflict in language between the HCP and the appendix Road Plan, requiring clarification on which language would apply. Further, the language that calls for cessation of road use when turbidity results in ditches or in watercourses is insufficient. A violation of the Basin Plan has already occurred once turbidity is noticed in a watercourse.

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The HCP calls for 400 miles of new road on PALCO lands. Given the reduced area of logging that should result from the final version of this plan, the amount of roads needed for logging should not increase. PALCO should commit to a "no net increase" of road mileage, achieved through abandonment of high-risk roads that access no-cut areas.

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Cumulative Impacts

The planning watershed is still too large for proper evaluation of cumulative impacts. This comment was made by all the agencies during the earliest drafts, but this deficiency still remains. The planning process should include a method to "red flag" potential cumulative effects, and omitting this trigger is troubling. It may be too late to prevent damage by the time instream indicators note a problem.

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A ten-year timespan of impacts from logging is unrealistically limited. For example, the US Forest Service uses a 30-year timespan for many features. Also, Dr. Leslie Reid's statistical analysis in the Bear Creek watershed found a strong correlation between landsliding and silviculture for up to 15 years following logging.

Aquatic Species Conservation Plan

Buffer zones need to be more precisely defined. The guiding principle of the RMZ (Riparian Management Zones) buffers should be that the ecosystem of the riparian zones are complex and incompletely understood. Trying to mimic the natural system by a slow trend toward "properly functioning condition" may not be sufficient. The watercourses should be allowed to trend toward a natural condition through imposition of sufficiently sized, true no-cut buffers on Class I and II's, and RMZ's on Class III's.

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The utility of the watershed analysis is questionable. Currently, insufficient buffer zones form the maximum protection available to watercourses. Therefore, watershed analysis would never call for increased protection, even if watercourse conditions require it, unless PALCO decides to do so. Given their economic interests, watershed analysis could never result in increased protection, only in a reduction.

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Additional modifications to reduce protective measures are also established in these documents. PALCO reserves the right to propose a lessening of the level of aquatic protection should *any* less restrictive measures be approved *under any process* anywhere else in the Southern Oregon/Northern California ESU (emphasis added). This ESU encompasses a wide range of conditions and environments, and necessary site specific mitigations may not be directly comparable. This loophole could allow PALCO to attempt to significantly lessen the protections set forth in the HCP.

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7*Streamside Buffers*

The HCP, through selected references, claims that old growth corridors are not as conducive to fish productivity as harvested ones. Coho evolved in natural ecosystems, and undisturbed corridors resemble that ecosystem best. Throughout the cited references, undisturbed corridors of 30 meters are often shown to be effective buffer widths. However, PALCO proposes undisturbed buffers only one-third as wide.

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The three-belt RMZ's comprise insufficient protection of water quality. Even making the assumption, as the HCP does, that the "two site tree, no cut" buffers along fish-bearing streams that are prescribed by the FEMAT process are wider than necessary, the 30 foot no-cut buffers proposed for Class I streams comprise less than 10% of this width. The preferred alternative allows extensive disruption of buffers, compromising their effectiveness. For example, the EIR states that Class I stream RMZs would provide only low to moderate protection of microclimate.

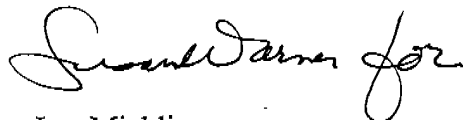
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The prescribed protection for Class III watercourses under Alternative 2 is insufficient. Our position has always been that these ephemeral streams have been insufficiently protected under the Forest Practice Rules, and this HCP continues that flaw by providing no RMZ protection for these sensitive features. As stated in the DEIR, the preferred alternative would provide low-to-moderate protection. This level of protection is insufficient. The measures under Alternative 3 would provide high protection and retain the sediment buffering capacity of the Class III's by providing a 25 foot RMZ.

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Thank you for the opportunity to review this document. Please call Mark Neely at (707) 576-2689 with any questions you may have.

Sincerely,



Lee Michlin
Executive Officer

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